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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,444		Gary Greenfield	SRI1P037	2212

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BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER

ROSENTHAL, DANIELLE S

ART UNIT	PAPER NUMBER
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, 3644

DATE MAILED: 06/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

	Application N .	Applicant(s)
09/938,444	GREENFIELD ET AL.	<i>[Signature]</i>
Examiner Danielle S. Rosenthal	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 August 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 and 18 is/are rejected.
- 7) Claim(s) 17 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 August 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 . | <ol style="list-style-type: none"> 4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____. 5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6)<input type="checkbox"/> Other: _____ |
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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rotating means "activated remotely" in claim 14, the rotating means "motorized mechanical drive system" in claim 15 and the "access valves" in claim 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether claim 18 includes all the contents of claim 1 or is meant to depend on claim 1. If claim 18 is meant to contain the container as disclosed in claim 1, this language must be in the claim rather than a reference to claim 1.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by "Portable EOD Total Containment Unit", Nabco, Inc. (<http://www.nabcoinc.com/eod/html>, August 10, 2001). Regarding claim 1, the reference by NABCO discloses a container for an explosive device comprising an outer containment vessel (Fig. b) with an outer access port; an inner containment vessel within said outer vessel (Fig. a) with an inner access port; a means for suspending the explosive device within said inner containment vessel (foam liner); and a means for rotating at least one vessel with respect to the other (lever arm) wherein the inner and outer access port can be rotated so as to be aligned.

6. Regarding claim 2 and the aforesaid discussion on claim 1, NABCO discloses the claimed invention wherein the outer surface of the inner containment vessel is contoured to the inner surface of the outer containment vessel with a small clearance therebetween (Fig. a).

7. Regarding claims 3 and 4 and the aforesaid discussion on claim 2, NABCO discloses the claimed invention wherein a filler material is inserted into said clearance and this filler material (foam) is flame retardant.

8. Regarding claim 5 and the aforesaid discussion on claim 1, NABCO discloses the claimed invention wherein the outer containment vessel comprises a central portion and an end dome wherein said end dome is removably secured to the central portion.

9. Regarding claim 6 and the aforesaid discussion on claim 1, NABCO discloses the claimed invention wherein the outer access port contains a cover. Note that when the inner vessel is rotated so that the ports are not aligned, the inner vessel acts as a cover for the outer access port as shown in Fig (b).

10. Regarding claim 7 and the aforesaid discussion on claim 6, NABCO discloses the claimed invention wherein the cover is flame retardant. Since the device is meant to contain explosives, it is interpreted that the inner and outer vessels are made from material which can "handle up to three pounds of explosives" or in other words is flame retardant.

11. Regarding claims 8-10 and the aforesaid discussion on claim 1, NABCO discloses the claimed invention wherein the inner vessel further comprises a lining material (foam). It is interpreted that the foam lines the inner and outer vessel. Further, the lining as well as the device is made to support an explosive device in the center of the vessel and the lining is flame retardant.

12. Regarding claims 11 and 12 and the aforesaid discussion on claim 1, NABCO discloses the claimed invention wherein the outer containment vessel is spherical (Fig. (a), horizontal operation) and wherein the outer containment vessel is cylindrical (Fig. (b), vertical operation).

13. Regarding claim 13 and the aforesaid discussion on claim 1, NABCO discloses the claimed invention wherein the rotating means comprises a lever arm attached to the inner containment vessel wherein the lever causes the vessel to rotate from a position wherein the inner port is aligned with the outer port to a position wherein the inner port has been rotated from about 90 to 180 degrees (Fig. (a) and (b), open and closed position).

14. Regarding claim 14 and the aforesaid discussion on claim 13, NABCO discloses the claimed invention wherein the rotating means is activated remotely.

15. Regarding claim 16 and the aforesaid discussion on claim 1, NABCO discloses the claimed invention further comprising a sealing means provided between said outer containment vessel and said inner containment vessel (O-ring seal).

16. Regarding claim 18, NABCO discloses a method of suppressing blast effects comprising the steps of inserting the explosive device into a blast container with inner and outer containment vessels, engaging the rotating means wherein the access ports of the inner vessel has been rotated 90 to 180 degrees.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over NABCO.

Regarding claim 15 and the aforesaid discussion on claim 14, NABCO discloses the claimed invention but does not expressly disclose the use of a motorized mechanical drive system. However, it is noted that although not specifically disclosed, any type of rotating means which works with the lever may be used as a means for rotation. A motorized mechanical drive system is a conventional system and may be substituted for the disclosed system.

Allowable Subject Matter

19. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Petty (4,187,758), Boyars et al. (4,432,285), Yerushalmi (4,437,382), Barrett (4,836,079), Cassells et al. (5,684,264) disclose related explosive containers.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danielle S. Rosenthal whose telephone number is (703) 305-2765. The examiner can normally be reached on M-Th & every other F, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached on (703) 308-2484. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Charles T. Jordan
CHARLES T. JORDAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Danielle S. Rosenthal
Examiner
Art Unit 3644

DSI
May 30, 2002